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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2673

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/905,423

Applicant(s)

PATRICK HAYES

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 5-6, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. (US Patent No. 6,507,762 B1).

As to claim 1, Amro et al. teaches a system comprising: a appliance having memory (See Fig. 5, item 128, in description See Col. 5, Lines 26-28), the memory having stored therein an electronic document including instructions relevant to the operation of the appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and a hand-held device having a display (See Fig. 5, item 116, in description See Col. 5, Lines 13-19); wherein the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the consumer appliances in order to allow consumer appliances to be remotely controlled and read as

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appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 5, Amro et al. teaches a method of displaying a document including instructions relevant to the operation of the appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and a hand-held device having a display (See Fig. 5, item 116, in description See Col. 5, Lines 13-19); retrieving the document from a memory resident on the appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and displaying the document on a hand-held device (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the consumer appliances in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 11, Amro et al. teaches a readable media having instructions for displaying a document including information relevant to the operation of an appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and a hand-held device having a display (See Fig. 5, item 116, in description See Col. 5, Lines 13-19), the instructions performing steps comprising: requesting the transmission of the document from a memory resident on the appliance (See Fig. 6B, item 290, in description See Col. 6, Lines 5-9); and displaying the transmitted document on

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a hand-held device (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Amro et al. does not show consumer appliance.

Since Amro et al. teaches controlling an appliance using a portable device such as a personal digital assistant (See Col. 7, lines 50-58), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Amro et al. apparatus and method also to the consumer appliances in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 3, 6, 12 Amro et al. teaches hand-held device is a remote control device having commands for commanding the operation of the consumer appliance (See Figs. 8-9, item 360, in description See Col. 7, Lines 18-21).

2. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. as aforementioned in claim 1 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Amro et al. does not show the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the instruction relevant to the operation of the consumer appliance

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comprise a recipe as shown by Kolawa et al. in Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

3. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Amro et al. as aforementioned in claim 1 in view of Morris (US Patent No. 6,353,848 B1).

Amro et al. does not show the electronic document in form of mark-up language document.

Morris teaches the electronic document in form of mark-up language document (See Fig. 1A, item 121, in description See Col. 7, Lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use mark-up language document as shown by Morris in Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

4. Claims 7-8, 10, 13-14, 16-17, 19-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US Patent No. 6,437, 836 B1) in view of Amro et al.

As to claim 7, Huang et al. teaches a method of displaying a document including instructions relevant to the operation of a consumer appliance, including the information to access a Web server on which the document is stored (See Col. 5, Lines 23-25); downloading the document (an electronic program guide) from the Web server to the hand-held device; and

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displaying the document in the display (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show storing information representative of the consumer appliance in a hand-held device having a display.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store information representative of the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 8, 14, since Huang et al. teaches PalmPilot as part the hand-held device (See Col. 4, Lines 63-67), PalmPilot comprises a browser application for retrieving and displaying the document.

As to claims 10, 16, 27, Huang et al. and Amro et al. do not show the hand-held device comprises a remote control having a memory in which are stored a library command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the information representative of the consumer appliance is also used to select

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command codes from the library of command codes that are appropriate to command the operation of the consumer appliance.

Since Huang et al. and Amro et al. teach hand-held device (a remote control) comprises PDA, it would have been obvious to one of ordinary skill in the art at the time of the invention to store a library command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the information representative of the consumer appliance is also used to select command codes from the library of command codes that are appropriate to command the operation of more than one consumer appliance in the memory a hand-held device the Huang et al. and Amro et al. apparatus and method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 13, Huang et al. teaches in a hand-held device having a display, a readable media having instructions for displaying a document including instructions relevant to the operation of a consumer appliance, the instruction performing steps, comprising: using the information to access a Web server on which the document is stored (See Col. 5, Lines 23-25); downloading the document (an electronic program guide) from the Web server to the hand-held device; and displaying the document in the display (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show storing information representative of the consumer appliance.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-

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held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store information representative of the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 17, 23 Huang et al. teaches a system, comprising: a Web site on which is stored instructions relevant to the operation of the make of the consumer appliance (See Col. 5, Lines 23-25); wherein the hand-held device is adapted to communicate with the Web site to retrieve the instructions for display in the display (See Fig. 1A, item 119, in description see Col. 5, Lines 22-31).

Huang et al. does not show a hand-held device having a display and memory in which is stored a representation of make of a consumer appliance.

Amro et al. teaches the appliance and the hand-held device are adapted to communicate such that the appliance can transmit signals indicative of the electronic document (graphical interface and Configuration File in Amro et al. reference) to the hand-held device and the hand-held device can display in the display a representation of the electronic interface (See Figs. 8-9, items 270, 356, 358, 430, 440, in description See Col. 6, Lines 25-42 and Co.7, Lines 3-17).

Since Amro et al. teaches to display a representation of the electronic interface, it would have been obvious to one of ordinary skill in the art at the time of the invention to store

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information representative of the consumer appliance in hand-held device having a display as shown by Amro et al. in the Huang et al. apparatus in order to allow a appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claims 19-22, 24 Huang et al. and Amro et al. do not show the user manual with multiple linked pages and browser which adapted user manual.

Since Huang et al. and Amro et al. teach hand-held device (a remote control) comprises PDA, it would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the user manual with multiple linked pages and browser which adapted user manual in the Huang et al. and Amro et al. apparatus and method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

As to claim 25, Huang et al. teaches the network comprises the internet (See Col. 3, Lines 32-33).

5. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. and Amro et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Huang et al. and Amro et al. do not show a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance.

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Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader as shown by Ketcham in Huang et al. and Amro et al. method in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

6. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. and Amro et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Huang et al. and Amro et al. do not show the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe as shown by Kolawa et al. in Huang et al. and Amro et al. apparatus in order to allow appliances to be remotely controlled and read as appliances 120 in Fig 5 are controlled and read (See Col. 2, Lines 6-8 in the Amro et al. reference).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The Ludtke (US Patent No. 6,584,496 B1) reference discloses distributed help system for consumer electronic devices.

The Valiulis (US Patent No. 6,317,028 B1) reference discloses electronic identification

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Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls
August 8, 2003


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